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EXAMINER

GREEN, BRIAN

ART UNIT PAPER NUMBER

3611

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/621,671

Applicant(s)

BRUSCINI, ROBERT

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Stating in claims 1, 16, and 18 that the pressure member includes a middle section which is substantially parallel to the back panel.

Claim Objections

Claims 11, 13, 14, 17, and 18 are objected to because of the following informalities: In claims 11, 13, and 14, line 2, "the pressure member " should be "the at least one pressure member". In claim 13, the slots defined are the same as the openings defined in claim 7. It appears that claim 13 can be canceled since it fails to further limit claim 8. In claim 17, lines 2-3 (two occurrences), "the pressure member " should be "the at least one pressure member". In claim 18, lines 1-3 (two occurrences), "the pressure member " should be "the at least one pressure member". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-8, 10-14, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quant (U.S. Patent No. 2,221,926) in view of Bowder (U.S. Patent No. 2,550,763).

Quant shows in figures 1-7 an award bar and holder combination comprising a generally C-shaped holder (10) having sidewalls (12) that overlap the side edges of the award bars (17), a pressure member (14,16) in the holder for bearing against the award bars (17) causing the bars (17) to press against the sidewalls (12), and at least one fastener (A or B,B') mounted on the back of the holder for securing the holder to a support. In regard to claim 4, Quant does not disclose providing a smooth camming surface at each end of the pressure member. Bowder shows in figures 1-5 a holder that includes a pressure member (28) that includes a smooth camming surface (the opposite ends of the pressure member 28, see figure 2) at the opposite ends of the pressure member. In view of the teachings of Bowder it would have been obvious to one in the art to modify Quant by replacing the multiple pressure members with the single pressure member (28) since this would allow the pressure member and holder combination to be made in an easier and less expensive manner and would allow the indicia members to be biased in a more even and consistent manner. In regard to claim 5, the holder includes a back panel (11) and the pressure member (14,16) is considered to be an integral part of the back panel. Further, Quant discloses on page 2, column 1, lines 17-20, the idea of forming the pressure member directly in the back panel. In regard to claim 6, as broadly defined, the pressure member is welded to the back panel so it is considered to be a segment of the back panel. Further, Quant discloses on page 2, column 1, lines 17-20, the idea of forming the pressure member directly in the back panel. In regard to claim 7, Quant does not disclose providing a pair or rectangular opening in the back panel in order to form the pressure member. Bowder shows in figures 1-5 a holder that includes a pressure member (28) that includes rectangular openings on opposite sides of the pressure member. Quant discloses on page 2, column 1, lines 17-20, the idea of forming the

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pressure member directly in the back panel. When the pressure member of Bowder is formed directly in the back panel of Quant there would be a rectangular opening on each side of the pressure member. In view of the teachings of Bowder it would have been obvious to one in the art to modify Quant by replacing the multiple pressure members with the single pressure member (28) since this would allow the pressure member and holder combination to be made in an easier and less expensive manner and would allow the indicia members to be biased in a more even and consistent manner. In regard to claim 7, Quant shows in figure 7 lips (13,13) formed on the holder. In regard to claim 8, the attaching member (A or B,B') is attached to the back side of the back panel. In regard to claim 10, the holder is at least twice as long as the award bars (17), i.e. the holder holds three of the award bars (17). In regard to claim 11, the pressure member includes portions (16) which project forwardly of the front side of the back panel. In regard to claim 12, it is considered within one skilled in the art to provide additional pressure members since this would allow additional letters to be added to the holder, i.e. five, ten, or more letters to be held within the holder in a more consistent manner. In regard to claim 13, the back panel of the holder would include slots (rectangular apertures) in the back panel which form the pressure member as discussed above. In regard to claim 14, Quant discloses on page 2, lines 17-21 that the pressure members elements (16) could be formed directly in the back panel (11). In regard to claim 17, Bowder shows that the pressure member comprises a smooth camming surface at each end, see figure 2. In regard to claim 18, Bowder shows that the pressure member bows out and includes a middle section which is substantially parallel to the back panel, see figure 2.

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Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Quant (U.S. Patent No. 2,221,926) in view of Bowder as applied to claim 8 above and further in view of Harn (U.S. Patent No. 3,192,655) or Elkies (U.S. Patent No. 2,495,577).

Quant in view of Bowder disclose the applicant's basic inventive concept except for making the attachment member in the form of a pin attached to the holder and a clasp. Harn shows in figures 1-3 the idea of making an attachment member in the form of a pin (13) attached to a holder and a clasp (32). Elkies shows in figures 1-3 the idea of making an attachment member in the form of a pin (20) attached to a holder and a clasp (21). In view of the teachings of Harn or Elkies it would have been obvious to one in the art to modify Quant by making the attachment member in the form of a pin and clasp since this would allow the display device to be attached to and removed from an article of clothing in an easier and faster manner.

Claims 1-3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quant (U.S. Patent No. 2,221,926) in view of Bowder and Harn (U.S. Patent No. 3,192,655) or Elkies (U.S. Patent No. 2,495,577).

Quant shows in figures 1-7 an award bar and holder combination comprising a generally C-shaped holder (10) having sidewalls (12) that overlap the side edges of the award bars (17), a pressure member (14,16) in the holder for bearing against the award bars (17) causing the bars (17) to press against the sidewalls (12), and at least one fastener (A or B,B') mounted on the back of the holder for securing the holder to a support. In regard to claim 1, Quant does not disclose making the pressure member bow out of the panel in a forward direction at each end of the pressure member and extending to a middle section which is substantially parallel to the back

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panel and using a pin and clasp for attaching the holder to a support. Bowder shows in figures 1-5 a holder that includes a pressure member (28) that includes a pressure member which bows out of the panel in a forward direction at each end of the pressure member and extending to a middle section which is substantially parallel to the back panel, see figure 1. In view of the teachings of Bowder it would have been obvious to one in the art to modify Quant by replacing the multiple pressure members with the single pressure member (28) since this would allow the pressure member and holder combination to be made in an easier and less expensive manner and would allow the indicia members to be biased in a more even and consistent manner. Quant discloses on page 2, column 1, lines 17-20, the idea of forming the pressure member directly in the back panel. Quant discloses the applicant's basic inventive concept except for making the attachment member in the form of a pin attached to the holder and a clasp. Harn shows in figures 1-3 the idea of making an attachment member in the form of a pin (13) attached to a holder and a clasp (32). Elkies shows in figures 1-3 the idea of making an attachment member in the form of a pin (20) attached to a holder and a clasp (21). In view of the teachings of Harn or Elkies it would have been obvious to one in the art to modify Quant by making the attachment member in the form of a pin and clasp since this would allow the display device to be attached to and removed from an article of clothing in an easier and faster manner. In regard to claim 15, Bowder shows that the pressure member comprises a smooth camming surface at each end, see figure 2.

Response to Arguments

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BRIAN K. GREEN
PRIMARY EXAMINER

Bkg
March 30, 2005